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ASSISTANT COMMISSIONER FOR PATENTS
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RE: Application Serial No.: 10/025,653

Applicants: Kenji YAMAMOTO et al

Filing Date: December 26, 2001

For: HARD FILM FOR CUTTING TOOLS, CUTTING
TOOL COATED WITH HARD FILM, PROCESS FOR
FORMING HARD FILM, AND TARGET USED TO
FORM HARD FILM

Group Art Unit: 1775

Examiner: Archene TURNER

SIR:

Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

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GROUP 1700

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF :

Kenji YAMAMOTO et al

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RESTRICTION RESPONSE

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SIR:

Responsive to the Official Action mailed March 11, 2003, Applicants elect, with
traverse, Group I, Claims 1-9, for examination.

REMARKS

The Examiner has characterized the inventions of Groups I and II as mutually exclusive species in an intermediate-final product relationship. However, it is clear from a reading of M.P.E.P. §806.04(b) that no intermediate-final product relationship exists. The intermediate and final product must have a mutually exclusive species relationship and be patentably distinct, which the Examiner has not shown to be the case here. Further, Groups I and II are not two different subcombinations usable with each other and a species of some common generic invention. Finally, it is stated in M.P.E.P. §806.04(b) that, typically, the intermediate loses its identity in the final product. It is clear that the inventions of Groups I and II are combination/subcombination as set forth in M.P.E.P. §806.05(c) in which the